

Message Text

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51

ACTION EB-11

INFO OCT-01 NEA-14 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 8384

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E.O. 11652: NA

TAGS: EAIR, IR

SUBJ: CIVAIR: CHARTER FLIGHTS TO IRAN

REF: A) STATE 203720 B) STATE 208240 C) TEHRAN 7995

1. SUMMARY: DIRECTORATE GENERAL CIVIL AVIATION DEPUTY ADMINISTRATOR ABOLMAALI, RESPONDING TO EMBOFF'S SUGGESTION ON SEPT 26 THAT WE TRY TO SEEK MUTUALLY AGREEABLE SOLUTION TO QUESTION OF CHARTER FLIGHTS, INCLUDING CATTLE FLIGHTS, EXPRESSED HOPE FOR SOLUTION BUT CITED LAWS AND REGULATIONS WHICH IF APPLIED AS HERETOFORE WILL GIVE IRAN AIR CONTROLLING VOICE IN MATTER. HE SAID HE WOULD DISCUSS SITUATION WITH DGCA ADMINISTRATOR ARBABI (WHO IN MONTREAL FOR ICAO MEETING) AND ARAN AIR GEN. KHADEMI (WHO ACCOMPANYING SHAH ON EAST ASIA TRIP) TO DETERMINE STATUS OF NEGOTIATIONS BETWEEN GEN. KHADEMI AND MINISTER OF AGRICULTURE ROUHANI IN REGARD TO CATTLE SHIPMENTS. END SUMMARY.

2. IN MEETING SEPT 26 REQUESTED BY EMBOFF IN EFFORT CLARIFY CHARTER SITUATION, DGCA DEPUTY ADMINISTRATOR ABOLMAALI GAVE ASSURANCES OF DGCA'S DESIRE TO SOLVE THIS PROBLEM BUT CITED IRANIAN LAW AS MAJOR FACTOR TO BE CONSIDERED. HE QUOTED FROM ARTICLE 6 OF THE AUGUST 1966 LAW ESTABLISHING IRAN AIR AS THE NATIONAL CARRIER, WHICH ARTICLE SPECIFIES THAT ALL PASSENGERS AND CARGO, EXCEPT MAIL, BELONGING TO IRANIAN GOVERNMENT MINISTRIES,

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AGENCIES, OR ORGANIZATIONS ASSOCIATED WITH THEM, BEING TRANSPORTED

TO OR FROM IRAN MUST BE CARRIED "VIA IRAN AIR OR THROUGH IRAN AIR."
(NOTE: ALTHOUGH BUYERS OF CATTLE ARE PRIVATE IRANIANS, IMPORTATIONS AS A PRACTICAL MATTER ARE UNDER AEGIS OF MINAGRICULTURE AND FINANCED BY AGRICULTURAL DEVELOPMENT BANK.) FURTHER, A DECREE PUBLISHED PURSUANT TO THE CIVIL AVIATION ACT STATES THAT IF IRAN AIR ABLE TO CARRY CARGO TO OR FROM IRAN, EXCEPT WHEN AGREEMENT BETWEEN TWO COUNTRIES SPECIFIES OTHERWISE, CARRIAGE BY ANOTHER CARRIER WILL NOT BE PERMITTED UNLESS IRAN AIR STATES IT HAS "NO OBJECTION".

3. EMBOFF SAID THAT WHILE THE IRANIAN LAW IS AN INTERNATIONAL IRANIAN MATTER, THE PRACTICAL EFFECT WAS THAT IRAN AIR STATES "NO OBJECTION" IN MOST CASES ONLY WHEN A "NO OBJECTION" FEE IS PAID. THIS IS DISCRIMINATORY AT LEAST AS FAR AS THE UNITED STATES IS CONCERNED AS OUR AUTHORITIES DO NOT IMPOSE AND CANNOT IMPOSE ANY SUCH FEE. EMBOFF OUTLINED THE GENEROSITY WITH WHICH CIVIL AERONAUTICS BOARD HAS HANDLED IRAN AIR CHARTERS IN THE PAST AND POINTED OUT THAT SECTION 402B PERMIT HAD BEEN LIMITED BY CAB INSOFAR AS CHARTER OPERATIONS ARE CONCERNED BECAUSE OF IRAN AIR'S USE OF THE "NO OBJECTION" FEE. EMBOFF ALSO POINTED OUT THAT HE UNDERSTOOD THAT IRAN AIR UNABLE TO HANDLE SUCH A LARGE NUMBER OF CATTLE WITH ITS OWN EQUIPMENT AND INQUIRED WHAT WOULD HAPPEN IF AMERICAN CARRIERS WERE RELUCTANT TO ENTER INTO SUB-CHARTER ARRANGEMENTS FOR THESE FLIGHTS. EMBOFF ALSO REMINDED ABOLMAALI OF ADMINISTRATOR ARBABI'S EXPRESSED INTEREST IN TRYING TO SMOOTH THE WAY FOR CATTLE FLIGHTS (TEHRAN 820). (FYI: WE RECOGNIZE THAT ARBABI'S WISHES, WHILE GENUINE, ARE FREQUENTLY OVERRULED BY GEN. KHADEMI'S WHEN IRAN AIR INVOLVED. END FYI.)

4. ABOLMAALI SAID THAT IRAN AIR BASICALLY WANTS TO GET "SOME PARTICIPATION" IN THESE FLIGHTS AND PERHAPS THE AIRLINES CONCERNED, WHICH "ALWAYS WORK THINGS OUT TOGETHER," COULD ARRANGE TO DIVIDE THESE FLIGHTS EQUITABLY. ABOLMAALI OBJECTED TO EMBOFF'S CHARACTERIZING THIS AS "POOLING" BUT ADMITTED IT BASICALLY COMES DOWN TO FACT THAT IRAN AIR WANTS TO ASSURE A "FAIR SHARE" OF THE FLIGHTS FOR ITSELF. (SAME PROBLEM IS DEVELOPING IN REGARD TO PAN AM'S REQUEST TO RUN EXTRA SECTIONS OF ITS NEW YORK-TEHRAN CARGO FLIGHTS ON OCTOBER 5, 12, 19, AND 26. PAN AM HAS REQUESTED CLEARANCE AND IRAN AIR IS TRYING TO ARRANGE FOR ABOUT HALF OF THE TOTAL TO BE RUN AS IRAN AIR FLIGHTS.

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5. ABOLMAALI SAID HE WOULD CONSULT ADMINISTRATOR ARBABI AND GEN. KHADEMI AS SOON AS THEY RETURN TO TEHRAN. HE SAID HE KNEW THAT GEN. KHADEMI WAS NEGOTIATING WITH MINISTER OF AGRICULTURE ROUHANI TO HAVE ALL CATTLE FLIGHTS HANDLED BY IRAN AIR (WITH SUB-CHARTERS). ABOLMAALI ALSO SAID THAT IRANIAN GOVERNMENT STUDYING AMENDMENT TO REGULATIONS RE CHARTER, BUT MAINLY TO ENCOURAGE TOURIST CHARTER OPERATIONS. IRAN AIR "NO OBJECTION" CLAUSE WOULD PRESUMABLY BE

RETAINED FOR ALL OTHER CHARTERS.

6. EMBASSY REQUESTS ABOVE BE PASSED TO CAB AND ASKS DEPARTMENT
GUIDANCE IN FURTHER DISCUSSIONS THIS SUBJECT WITH DGCA.
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